

AN ORDINANCE OF THE TOWNSHIP OF BRIDGEWATER AMENDING SECTIONS 99-6, 99-7A, 99-7C, 99-7D, 99-7E, 99-9, 99-9A, 99-9.1, 99-10B & 99-11E OF CHAPTER 99 ENTITLED “FIRE PREVENTION” OF THE MUNICIPAL CODE OF THE TOWNSHIP OF BRIDGEWATER, COUNTY OF SOMERSET AND STATE OF NEW JERSEY SO AS TO MAKE SAME CONSISTENT WITH THE LATEST REVISIONS TO THE NEW JERSEY UNIFORM FIRE CODE AS IT RELATES TO REGISTRATION FEES, PERMIT FEES, CLARIFICATION OF THE PARTICULAR FIRE CODE SECTIONS TO BE UTILIZED AS WELL AS NEEDED CHANGES IN LANGUAGE NECESSARY TO UPDATE THE ORDINANCE

WHEREAS, in 1983, the State of New Jersey enacted the Uniform Fire Safety Act (N.J.S.A. 52:27D- 192 et seq.) for the purpose of helping to ensure that all areas of the State would be protected by a uniform, minimum, fire safety code which would protect the lives and property of the State’s citizens; and

WHEREAS, such fire safety code was adopted in 1985 and known as the New Jersey Uniform Fire Code which was subdivided into two parts: a) the “State Fire Prevention Code,” N.J.A.C. 5:70-3.1, (regulating the proper maintenance of existing fire protection features of an occupancy) which utilized the model code of the International Code Council known as the “2006 International Fire Code” and b) the “State Fire Safety Code,” N.J.A.C. 5:70-4.1, (addressing retrofit requirements in which modifications must be made to address the lack of fire safety and occupancy); and

WHEREAS, the within Ordinance Amendment hereby makes those aforementioned required changes to the Township Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Bridgewater, County of Somerset and State of New Jersey that Sections 99-6, 99-7A, 99-7C, 99-7D, 99-7E, 99-9, 99-9A, 99-9.1, 99-10B & 99-11E of Chapter 99 entitled “Fire Prevention” of the Municipal Code of the Township of Bridgewater be and is hereby amended so as to make same consistent with the latest revisions to the New Jersey Uniform Fire Code as it relates to registration fees, permit fees, clarification of the particular fire code sections to be utilized as well as needed changes in language necessary to update the Ordinance.

ALL NEW WORDS SHALL BE SET FORTH IN BOLDFACE, RED OR BLACK AND UNDERLINED; ALL DELETED WORDS SHALL BE SET FORTH IN ITALICS AND BRACKETS; ALL REMAINING LANGUAGE SHALL NOT BE EMPHASIZED IN ANY WAY

SECTION I

CHAPTER 99 FIRE PREVENTION

The language of those sections of Chapter 99 not referenced hereinbelow shall remain the same as presently exists in Chapter 99 of the Township Municipal Code.

Those sections of Chapter 99, referenced hereinabove, which are to be amended shall be amended to read as follows:

§ 99-6. Appeals.

Pursuant to §§ 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any order of the local enforcement agency shall have the right to appeal to the Somerset County Construction Board of Appeals.

§ 99-7. Building registration fees.

The following buildings, uses and premises contained in this section, other than those that are incidental or auxiliary to the agricultural use of farm property, are subject to registration and periodic inspection requirements as hereby established, except all businesses required to register as a life-hazard use with the State of New Jersey. Where two or more of the same use or different uses exist at the same building or premises, each one shall be considered as separate and distinct for the purpose of this chapter and shall be registered pursuant thereto.

- A. Business use, as defined in the latest edition of the New Jersey Uniform Fire Code, where there is a single tenant:

<u>Total Gross Area,</u> <u>Including Basement (square feet)</u>	<u>Registration fee</u>	<u>New Fee</u>
[0] 1 to 1,000	[75]	<u>\$90.00</u>
1,001 to 2,000	[80]	<u>\$95.00</u>
2,001 to 2,500	[85]	<u>\$102.00</u>
2,501 to 3,500	[90]	<u>\$108.00</u>
3,501 to 4,500	[95]	<u>\$114.00</u>
4,501 to 5,000	[100]	<u>\$120.00</u>
5,001 to 6,000	[110]	<u>\$132.00</u>
6,001 to 7,000	[120]	<u>\$144.00</u>
7,001 to 7,500	[130]	<u>\$156.00</u>
7,501 to 8,000	[140]	<u>\$168.00</u>
8,001 to 9,000	[150]	<u>\$180.00</u>
9,001 to 9,500	[175]	<u>\$205.00</u>
9,501 to 10,500	[200]	<u>\$240.00</u>
10,501 to 11,500	[225]	<u>\$270.00</u>
11,501 to 12,000	[250]	<u>\$300.00</u>
12,001 to 13,000	[300]	<u>\$360.00</u>
13,001 to 15,000	[350]	<u>\$420.00</u>
15,001 to 16,500	[400]	<u>\$480.00</u>
16,501 to 18,000	[450]	<u>\$540.00</u>

18,001 to 19,500	[500]	<u>\$600.00</u>
19,501 to 25,000	[550]	<u>\$660.00</u>
25,001 to 35,000	[600]	<u>\$720.00</u>
35,001 to 40,000	[700]	<u>\$840.00</u>
40,001 to 50,000	[800]	<u>\$960.00</u>
<u>50,001 to 100,000</u>		<u>\$1080.00</u>
<u>Over 100,000</u>		<u>\$1200.00</u>

(i) Individual Mall kiosk, cart or display when erected in covered mall for MORE than 90 days & when not covered by a Type 2 fire safety permit \$75.00

(ii) Retail & Business property with common areas such as corridors, Mechanical, electrical rooms, fire sprinkler/alarm room[s] retail building properties & office building properties \$120.00

- B. Where the building or structure has more than one use which may include a business use as defined herein, then each individual use shall be subject to the appropriate fee as set forth in this chapter.
- B. Mercantile uses, as defined in the latest edition of the New Jersey Uniform Fire Code, shall be subject to the registration fee as set forth in the schedule noted above.
- C. Storage buildings, as defined in the latest edition of the New Jersey Uniform Fire Code, shall be subject to the registration fee as set forth in the schedule noted above.
- D. Factory and industrial uses, as defined in the latest edition of the New Jersey Uniform Fire Code, shall be subject to the registration fee as set forth in the schedule noted above.
- E. All additional uses as listed in the aforementioned schedule shall be inspected for compliance with the provisions of this chapter periodically, but not less than once every 24 months.

§ 99-8. (Reserved)

§ 99-9. Permit fees

In accordance with N.J.A.C. 5:70-2.9(c), the permit fees shall be as follows:

- A. Type 1: Shall be [50], \$60 unless a higher fee is adopted by the NJ Uniform Fire Code section N.J.A.C. 5:70-2.9(c) 1.

- B. Type 2: Shall be the fee adopted by the NJ Uniform Fire Code section N.J.A.C. 5:70-2.9(c) 2, which is currently [\$166]. **\$215**
- C. Type 3: Shall be the fee adopted by the NJ Uniform Fire Code section N.J.A.C. 5:70-2.9(c) 3, which is currently [\$331]. **\$430**
- D. Type 4: Shall be the fee adopted by the NJ Uniform Fire Code section N.J.A.C. 5:70-2.9(c) 4, which is currently [\$497]. **\$641**
- E. Type 5: Shall be the fee adopted by the NJ Uniform Fire Code section N. J. A. C. 5:70-2.9(c) 5, which is currently reserved and has no fee.

§ 99-9.1. Fire Safety Fee for change of occupant in a one- or two-family dwelling

The application fee for a certificate of smoke detector, carbon monoxide alarm and fire extinguisher compliance as required by N.J.A.C. 5:70-2.3, shall be based upon the amount of time remaining before the change of occupant is expected, as follows:

- A. Requests received more than 10 business days prior to the change of occupant shall be a minimum fee of [\$50,] **\$60** unless a higher fee is adopted by the NJ Uniform Fire Code section N.J.A.C. 5:70-(d) 1
- B. Requests received four (4) to 10 business days prior to the change of occupant shall be the fee adopted by the NJ Uniform Fire Code section N.J.A.C. 5:70-(d) 2, which is currently [\$70]. **\$90**
- C. Requests received fewer than four (4) business days prior to the change of occupant shall be the fee adopted by the NJ Uniform Fire Code section N.J.A.C. 5:70-(d) 3, which is currently [\$125]. **\$170**

D. For each subsequent re-inspection due to a failed inspection an additional fee of \$25 per inspection.

E. There shall be a \$20 fee for a request to waive the requirements of this section.

§ 99-10. Violations and penalties.

- A. Failure to register non-life-hazard uses or to pay the appropriate fees for registration concerning non-life-hazard uses as defined herein shall result in the imposition of penalties pursuant to the New Jersey Administrative Code or, in the case of offenses not addressed by the Administrative Code, to those penalties provided herein.
- B. Except as otherwise provided in Subsection A above, any violation of this chapter, including the International Fire Code NJ Edition and amendments and supplements thereto, shall be punished by a fine of not more than \$500 or imprisonment for 90

days, or both. Each and every day that a violation of the provisions of this section shall continue after notification thereof by the Bureau of Fire Safety may be deemed and considered a separate and specific violation of this section in the discretion of the tribunal assessing the penalty to be imposed. Such penalties as herein provided shall not be exclusive; any violation may also be abated by a civil action instituted in a court of competent jurisdiction. All penalties imposed by this chapter shall be made payable to the Bureau, except for court costs.

§ 99-11. Key boxes for properties with alarm or sprinkler systems. [Added 5-7-2001 by Ord. No. 01-09]

- A. Key box required. All properties within the Township of Bridgewater protected by an automatic fire alarm system or a fire sprinkler system shall be equipped with a key box. This applies to both existing and future structures, but shall not apply to any residential units.
- B. Type; installation. The key box shall be a type approved by the Bridgewater Township Fire Official and shall be installed at the expense of the property owner. Before installing any key box, the property owner shall make written request to the fire official to designate or approve the proposed location.
- C. Contents labeling.
 - (1) The key boxes shall contain the following:
 - (a) Keys to locked points of entrance and exits, whether on the interior or exterior of such building.
 - (b) Keys to locked mechanical equipment rooms.
 - (c) Keys to locked electrical rooms.
 - (d) Keys to elevator controls.
 - (e) Keys to other areas as directed by the Bridgewater Township Fire Official.
 - (2) All keys shall be clearly labeled or marked to identify the doors they open or the devices they operate.
- D. Time for compliance. All existing buildings shall comply within 18 months from the effective date of this section. All newly constructed buildings, not yet occupied, or buildings currently under construction shall comply within 30 days of the effective date of this section.
- E. Variances. Any individual may apply to the Bridgewater Township Fire Official requesting a variance from the requirements of this section drafted pursuant to N.J.A.C. 5:70-1 et seq. The variance shall only be granted when it is determined that compliance with this section would result in practical difficulty and that the variance, if granted, would not unreasonably jeopardize the public's safety, health and welfare.
- F. Variance application procedure.

- (1) A variance application shall be made in writing in a form prescribed by the Bridgewater Township Fire Official. At a minimum, the variance application shall request the following information:
 - (a) The requirements of the regulation from which a variance is sought.
 - (b) A statement on why strict compliance would result in practical difficulty.
 - (c) The nature and extent of the practical difficulty.
 - (d) Alternatives which would satisfy the requirements of this section.
- (2) After receipt of the variance application, the Bridgewater Township Fire Official shall provide a written response either granting or denying the variance within 30 calendar days of receipt of the application. If denied, then the Fire Official shall provide a written statement of the reasons for denial within 30 calendar days of receipt of the application. Any denial may be appealed to the Somerset County Construction Board of Appeals.

G. Penalties. Any individual violating this section after notice from the Bridgewater Township Fire Official shall be subject to a fine of \$100. If an individual fails to comply after a second notice, then the individual shall be subject to a fine of \$50 per day from the date of the second notice till the individual fully complies with this section.

H. Other Fees

A. The fee for a copy of a fire inspection report shall be \$25.

B. A fee for a thumb drive of digital photographs pertaining to a fire investigation report shall be the actual cost of the thumb drive.

SECTION II

If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION III

Should any section, paragraph, sentence or clause of this Ordinance be declared unconstitutional or invalid, for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this Ordinance are hereby declared severable.

SECTION IV

The within ordinance shall take effect in the time and manner provided by law.

Adopted: February 22, 2018

Effective: March 15, 2018